



CALIFORNIA STATE PERSONNEL BOARD

GRAY DAVIS, Governor

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CALIFORNIA STATE PERSONNEL BOARD MEETING
801 Capitol Mall
Sacramento, California

Public Session Location - Room 150
Closed Session Location - Room 141

FULL BOARD MEETING MINUTES**

May 7, 2002

PUBLIC SESSION OF THE STATE PERSONNEL BOARD

1. ROLL CALL

BOARD MEMBERS PRESENT:

Ron Alvarado, President
William Elkins, Vice President
Florence Bos, Member
Sean Harrigan, Member

2. REPORT OF THE EXECUTIVE OFFICER - Walter Vaughn

The Board was advised of the following:

- A. State Personnel Board staff met with the Ad Hoc Personnel Officer Council to discuss a variety of issues of mutual interest including decentralized testing, post an promote, equal employment opportunity, bilingual services and adverse actions.
- B. State Personnel Board staff met with community groups and staff of the Legislature to discuss the workplan for the Bilingual Services Program, establish priorities, discuss progress in implementing the recommendations approved by the State Personnel Board and review legislative proposals.

**The State Personnel Board Summary Minutes can be obtained at the following Internet address:
<http://www.spb.ca.gov/spbmeet/spbminrd.cfm>

- C. Our Senate Budget Subcommittee has scheduled another hearing on the State Personnel Board's budget to discuss the Bilingual Services Program and to resolve issues connected with the funding of local Peace Officer Bill of Rights responsibilities.
- D. State Personnel Board staff has met with Assemblyman Horton and resolved major issues associated with his legislative proposal to revise the Skelly and Rule 211 processes.

3. REPORT OF THE CHIEF COUNSEL - Elise Rose

The Chief Counsel reported on:

Litigation:

- A. Lauria v. State Personnel Board/Department of Industrial Relations - Court of Appeal, Second Appellate District, in an unpublished decision, affirmed trial court's ruling upholding State Personnel Board's decision sustaining dismissal of worker's compensation appeals judge.
- B. California State University, Long Beach (CSU) v. State Personnel Board/Berger-Tully - Superior court denied CSU's request for temporary stay of State Personnel Board's decision.
- C. International Union of Operating Engineers v. Office of State Controller (Wellins) - Superior court signed judgment denying motion to confirm arbitration award.
- D. Buder v. Office of Environmental Health Hazard Assessment - Settlement finalized.

Other:

- A. Select Advisory Panel on Policy PRID and Appeals (SAPPA) - SAPPA met April 30, 2002. Group discussed informal survey on how the State Personnel Board is doing in meeting stakeholder needs. Minutes will be prepared and shared with the Board.

4. REPORT ON LEGISLATION - Judy Balmain

The Board voted on the following:

- A. AB 2268 (Horton) will inform dismissed state employees of the requirements for gaining re-entry into the state's workforce; to ensure that Skelly officers are impartial and well-trained; to ensure that department EEO officers are autonomous and impartial; to provide the Legislature with information as to the costs to the state of discrimination litigation. **SUPPORT IF AMENDED**
Vote: Alvarado, Elkins, Bos, Harrigan - Aye.
- B. AB 2892 (Horton) will amend the State Civil Service Act to provide that any adverse finding made by the State Personnel Board (SPB) or its authorized representative will not preclude or be binding in a separate discrimination action brought before an arbitrator, court, or judge, by an employee against his or her appointing power. The bill specifically overrules the California Supreme Court's decision in Johnson v. City of Loma Linda insofar as it applies to SPB findings concerning allegations of discrimination raised during the course of SPB hearings. **OPPOSE**
VOTE: Alvarado, Elkins, Bos, Harrigan - Aye.

The Board was advised of the following:

- A. SB 1503 (Ackerman) amends the statute of limitations for filing actions arising from decisions of the State Personnel Board. (Board sponsored) Bill passed out of Senate PERS committee, bill was amended to remove opposition from California State Employees Association and American Federation of State, County, and Municipal Employees.
- B. AB 1950 (Wright) would allow departments to extend the probationary period for an employee with a disability, for an additional six months to provide appropriate reasonable accommodation, so that the employee's performance can be fairly evaluated with the accommodation in place (Board sponsored). Bill in on consent in Appropriations.
- B. Assemblymember Jerome Horton was elected chairman of the Legislative Black Caucus.

5. ORAL ARGUMENT

Oral argument in the matter of KIMBERLY ARNOLD, CASE NO. 00-3959. Appeal from dismissal. Department of Corrections.

Persons Participating:

Steve McNeal, Staff Counsel, representing Department of Corrections

Daniel M. Lindsay, Supervising Legal Counsel, California Correctional Peace Officers Association, representing appellant

ACTION: Submitted

6. ORAL ARGUMENT

Oral argument in the matter of SHAUNA MARQUEZ, CASE NO. 00-1060. Appeal from psychological disqualification. Department of Corrections.

Persons Participating:

Sherrill Leake, Ph.D., representing State Personnel Board

Damien McCann, Ph.D., representing State Personnel Board

ACTION: Withhold sustained

VOTE: Alvarado, Elkins, Bos, Harrigan - Aye.

7. ORAL ARGUMENT

Oral arguments in the matter of STEPHANIE RODRIGUEZ, CASE NO. 99-5150; DARRELL SNELL, CASE NO. 00-0002; RENEE VILLARREAL, CASE NO. 00-0030; and WAYNE VILLARREAL, CASE NO. 00-0033. Appeal from suspension. Department of Corrections.

Persons Participating:

Wendell J. Llopis, Attorney at Law, representing appellants
Christopher E. Thomas, Labor Relations Counsel, Department of
Personnel Administration, representing Department of
Corrections

Wendi L. Ross, Labor Relations Counsel, Department of
Personnel Administration, representing Department of
Corrections

ACTION: Submitted

8. HEARING - EXPEDITED HEARINGS
PROPOSED AMENDMENT TO STATE PERSONNEL BOARD RULE 52.4

Persons Participating:

Elise Rose, Chief Counsel, California State Personnel Board
Bruce Monfross, Staff Counsel, California State Personnel Board
Steve Unger, Staff, California State Personnel Board
Melinda Williams, Attorney at Law, Professional Engineers in California Government and California Association of Professional Scientists
Catherine Kennedy, Attorney at Law, California State Employees Association and Association of California State Supervisors

ACTION: Submitted

9. HEARING - ANSWER ON APPEALS FILED WITH STATE PERSONNEL BOARD
PROPOSED AMENDMENT TO STATE PERSONNEL BOARD RULE 63

Persons Participating:

Bruce Monfross, Staff Counsel, California State Personnel Board
Daniel Lindsay, Supervising Legal Counsel, California Correctional Peace Officer's Association
Melinda Williams, Attorney at Law, Professional Engineers in California Government and California Association of Professional Scientists
Catherine Kennedy, Attorney at Law, Association of California State Supervisors
Ben Allamano, Attorney at Law, Law Office of Ben Allamano

ACTION: Submitted

10. ORAL ARGUMENT
Oral Argument in the matter of DANIEL RUIZ, CASE NO. 01-1118.
Appeal from dismissal. Department of Developmental Services.

Persons Participating:

Terry Slover, Labor Relations Specialist, representing Department of Developmental Services
Ben Allamano, Attorney at Law, Law Office of Ben Allamano, representing appellant

ACTION: Submitted

BOARD ACTIONS

11. STATE PERSONNEL BOARD SUMMARY MINUTES OF APRIL 17, 2002

ACTION: Adopted on May 7, 2002.

VOTE: Alvarado, Elkins, Bos, Harrigan - Aye.

12. ACTION ON SUBMITTED ITEMS

ACTION: See pages 16-17.

13. ADMINISTRATIVE LAW JUDGE CASES

On May 7, 2002, the Board adopted the following decisions presented by Elise Rose, Chief Counsel, California State Personnel Board.

VOTE: Alvarado, Elkins, Bos, Harrigan - Aye.

REJECTED AND RAMANDED DECISION

KATHLYN STEVENS, CASE NO. 01-1813
Appeal from dismissal
Psychiatric Technician
Department of Developmental Services
ACTION: Dismissal withdrawn

CHIEF COUNSEL RESOLUTION

MICHAEL WELLINS, CASE NO. 01-4094
Appeal from dismissal
Structural Steel Painter
Department of Transportation
ACTION: Stipulation for settlement approved

PROPOSED DECISIONS

AVERY CUNNINGHAM, CASE NO. 01-3915
Appeal from five percent reduction in salary for 12 months
Supervising Correctional Cook I
Wasco - State Prison
Department of Corrections
ACTION: Five percent reduction in salary for 12 months modified to an official reprimand, with special resolution of language indicating that the Department of Corrections failed to establish violations of Government Code §19572 (d)

CLAYTON DELOUTH, CASE NO. 01-2518
Appeal from dismissal
Correctional Officer
Tehachapi - California Correctional Institution
Department of Corrections
ACTION: Dismissal revoked

JAMES M. FINLEY, CASE NO. 01-0202
Appeal from dismissal
Dentist (CF)
Norwalk - Southern Youth Correctional
Reception Center and Clinic,
Department of the Youth Authority Norwalk
ACTION: Dismissal sustained, with special resolution to
some of the language

VERMA J. JENNINGS, CASE NO. 02-0196
Appeal from official reprimand
Legal Secretary
Department of Real Estate
ACTION: Official reprimand sustained

THEODORE LOPEZ, CASE NO. 01-4275
Appeal from ten calendar days suspension
Correctional Officer
Centinela - State Prison
Department of Corrections
ACTION: Ten calendar days suspension modified to a 5%
reduction in salary for one month

YVONNE BENAVIDES, CASE NO. 01-1948
Appeal from dismissal
Administrative Support Coordinator I
Long Beach - Office of the Chancellor
California State University
ACTION: Dismissal modified to a one-year suspension

MIRKA BREWER, CASE NO. 01-1954
Appeal from dismissal
Supervising Cook I
Tehachapi - Correctional Institution,
Department of Corrections
ACTION: Dismissal sustained

JOHN KALKO, CASE NO. 01-2427
Appeal from 15 percent reduction
in salary for 12 months
State Park Ranger
Department of Parks and Recreation
ACTION: 15 percent reduction in salary for 12 months
modified to 10 percent reduction in salary for three months

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LAN T. NGUYEN, CASE NO. 02-0011
Appeal from suspension for five workdays
Accounting Technician II
Los Angeles - CSU
California State University
ACTION: Suspension sustained

STEVEN P. NUNGARY, CASE NO. 02-0274
Appeal from official reprimand
Landscape Maintenance Worker
Department of Transportation
ACTION: Official reprimand sustained

ERMELINDA ORDUNO, CASE NO. 01-4172
Appeal from dismissal
Registered Nurse
Calipatria - State Prison
Department of Corrections
ACTION: Dismissal revoked

DAN RADULESCU, CASE NO. 01-2944
Appeal from rejection during
probationary period
Youth Correctional Officer (PI)
Department of Youth Authority
ACTION: Rejection during probationary period sustained

JANEEN GIBBS, CASE NO. 01-3179
Appeal from rejection during
probationary period
Business Taxes Specialist I
State Board of Equalization
ACTION: Rejection during probationary period sustained

TERRY HILL, CASE NO. 01-1529
Appeal from 10 working days suspension
Correctional Lieutenant
San Diego - Correctional Facility
Department of Corrections
ACTION: Ten working days suspension modified to a two days
suspension

JAMES MCAULEY, CASE NO. 01-4148
Appeal from five percent reduction
in salary for five months
Associate Transportation Engineer,
Caltrans (Registered)
Department of Transportation
ACTION: Five percent reduction in salary for five months
modified to a 5% reduction in salary for three months

Department of Transportation

ACTION: Five percent reduction in salary for five months
modified to a 5% reduction in salary for three months

REYNALDO GASTELUM, CASE NO. 01-4250

Appeal from five percent reduction
in salary for 12 months

Correctional Sergeant

Centinela - State Prison

Department of Corrections

ACTION: Five percent reduction in salary for 12 months
modified to five percent reduction in salary for four months

MARK SAMS, CASE NO. 02-0144

Appeal from official reprimand

Youth Correctional Counselor

Department of Youth Authority

ACTION: Official reprimand revoked

ROBERT JOHNSON, CASE NO. 01-3805

Appeal from termination from temporary appointment with
fault

Seasonal State Fair Worker and,

Appeal from constructive termination

Permanent-intermittent Security Guard appointment

California Exposition and State Fairs

ACTION: Appointment to permanent-intermittent Security
Guard granted

CONNIE ANDERSON, CASE NO. 01-3745

Appeal from rejection during probationary period

Environmental Planner

Department of Transportation

ACTION: Rejection during probationary period sustained

DARYL THOMPSON, CASE NO. 01-3109

Appeal from rejection during probationary period

Office Assistant (Typing)

Department of Industrial Relations

ACTION: Rejection during probationary period sustained

ALFONSO MILES, CASE NO. 02-0010

Appeal from rejection during probationary period

Fair Employment and Housing Consultant I

Department of Fair Employment and Housing

ACTION: Rejection during probationary period sustained

ROBERTA CURTIS, CASE NO. 01-2959

Appeal from rejection during probationary period

Family Assistance Representative III

Merced County Human Services Agency

ACTION: Rejection during probationary period sustained

MICHAEL PONTAROLO, CASE NO. 01-3886
Appeal from five-percent reduction in salary for six months
Parole Agent I, Adult Parole
Department of Corrections
ACTION: Five percent reduction in salary for six months
revoked

GLENN McMAHAN, CASE NO. 01-4042
Appeal from five-percent reduction
In salary for six months
Caltrans Equipment Operator II
Department of Transportation
ACTION: Five percent reduction in salary for six months
modified to an official reprimand

TIMOTHY SUTHERLAND, CASE NO. 01-3777
Appeal from six-month suspension
Youth Correctional Counselor
El Paso de Robles - Youth Correctional Facility
Department of the California Youth Authority
ACTION: Six-months suspension sustained

PETITIONS FOR REHEARING

LOUISE DRAXLER, CASE NO. 00-3181
Appeal from demotion and transfer
Supervisor of Academic Instruction at
Coalinga State Prison, to the position of Vocational
Instructor at Corcoran State Prison
Department of Corrections
ACTION: Petition for rehearing filed by appellant denied

14. RESOLUTION RE NOTICE OF GOVERNMENT CODE SECTION 18671.1
EXTENSION.

ACTION: See pages 19-21.

15. WITHHOLD APPEALS

On May 7, 2002, the Board adopted the following decisions
presented by Laura Aguilera, Assistant Executive Officer,
California State Personnel Board.
VOTE: Alvarado, Elkins, Bos, Harrigan - Aye.

DANIEL ACUNA, CASE NO. 01-2206
Classification: Youth Correctional Counselor
California Youth Authority
ACTION: GRANTED

DAMON BRIDGES, CASE NO. 01-1697
Classification: Youth Correctional
Officer
California Youth Authority
ACTION: DENIED

JULIE COLEMAN, CASE NO. 01-2120
Classification: Correctional Officer
Department of Corrections
ACTION: DENIED

KELLY DAY, CASE NO. 01-2116
Classification: Correctional Officer
Department of Corrections
ACTION: DENIED

DIANA DELEON, CASE NO. 01-2121
Classification: Correctional Officer
Department of Corrections
ACTION: DENIED

SHANON DORAN, CASE NO. 01-2127
Classification: Correctional Officer
Department of Corrections
ACTION: DENIED

CYNTHIA FOWLER, CASE NO. 01-1312
Classification: Motor Vehicle
Field Representative
Department of Motor Vehicles
ACTION: GRANTED

JESSE GARCIA, CASE NO. 01-1331
Classification: Youth Correctional Officer
California Youth Authority
ACTION: GRANTED

MATTHEW GRAY, CASE NO. 01-1570
Classification: Correctional Officer
Department of Corrections
ACTION: DENIED

CARLEN HAAG, CASE NO. 01-0863
Classification: Parole Agent I,
Adult Parole
Department of Corrections
ACTION: GRANTED

DAVID JUEL, CASE NO. 01-2325
Classification: Correctional Officer
Department of Corrections
ACTION: DENIED

BENJAMIN LUNA, CASE NO. 01-2328
Classification: Hospital Police Officer
State Personnel Board
ACTION: DENIED

GASPAR MEDINA, CASE NO. 01-2181
Classification: Correctional Officer
Department of Corrections
ACTION: DENIED

STEPHEN NAGY, CASE NO. 01-1966
Classification: Cadet, CHP
California Highway Patrol
ACTION: DENIED

ARTHUR NEWLIN, CASE NO. 01-1699
Classification: Cadet, CHP
California Highway Patrol
ACTION: DENIED

ANDRE NIEUWENHUIS, CASE NO. 01-2178
Classification: Correctional Officer
Department of Corrections
ACTION: DENIED

JOHNNY NORSWORTHY, CASE NO. 01-1994
Classification: Correctional Officer
Department of Corrections
ACTION: DENIED

ISRAEL PEREZ, CASE NO. 01-2180
Classification: Correctional Officer
Department of Corrections
ACTION: DENIED

LETICHA PERRY CASE NO. 01-2755
Classification: Correctional Officer
Department of Corrections
ACTION: DENIED

TODD PETERSON, CASE NO. 01-1967
Classification: Cadet, CHP
California Highway Patrol
ACTION: DENIED

MICHAEL REYNOLDS, CASE NO. 01-2023
Classification: Correctional Officer
Department of Corrections
ACTION: DENIED

RICKIE ROBINSON, CASE NO. 01-2184
Classification: Youth Correctional Officer
California Youth Authority
ACTION: DENIED

ANTHONY RODRIGUEZ, CASE NO. 01-1962
Classification: Cadet, CHP
California Highway Patrol
ACTION: DENIED

RODNEY WAGONER, CASE NO. 01-1964
Classification: Correctional Officer
Department of Corrections
ACTION: DENIED

DONALD WINGET, CASE NO. 01-2011
Classification: Correctional Officer
Department of Corrections
ACTION: DENIED

SCOTT WOLFE, CASE NO. 01-2416
Classification: Cadet, CHP
California Highway Patrol
ACTION: DENIED

ADAM ZAVALA, CASE NO. 01-2402
Classification: Correctional Officer
Department of Corrections
ACTION: DENIED

16. MEDICAL APPEALS

On May 7, 2002, the Board adopted the following decisions presented by Laura Aguilera, Assistant Executive Officer, California State Personnel Board.
VOTE: Alvarado, Elkins, Bos, Harrigan - Aye.

CARLOS LOPEZ, CASE NO. 01-2574
Classification: Youth Correctional Officer
California Youth Authority
ACTION: GRANTED

DUSTIN LOWE, CASE NO. 01-3070
Classification: Cadet, CHP
California Highway Patrol
ACTION: DENIED

MYLAINE MAKABENTA, CASE NO. 01-3132
Youth Correctional Officer
California Youth Authority
ACTION: DENIED

ANDREW MARTON, CASE NO. 01-3358
Classification: Cadet, CHP
California Highway Patrol
ACTION: DENIED

RICHARD MEJORADO, CASE NO. 01-3161
Classification: Special Agent
Department of Justice
ACTION: DENIED

RICK MOTT, CASE NO. 01-4033
Classification: Registered Nurse
Department of Mental Health
ACTION: DISMISSED

17. REQUEST TO FILE CHARGES CASE

On May 7, 2002, the Board adopted the following decisions presented by Laura Aguilera, Assistant Executive Officer, California State Personnel Board.

VOTE: Alvarado, Elkins, Bos, Harrigan - Aye.

(Request to File Charges)

ROD GRAVES, CASE NO. 00-3932

Classification: A member of the public

ACTION: DENIED

18. NON-HEARING CALENDAR

On May 7, 2002, the Board adopted items A-B. These items were presented by Karen Coffee, Chief, Personnel Resources and Innovations Division, California State Personnel Board.

VOTE: Alvarado, Elkins, Bos, Harrigan - Aye.

A. DEMONSTRATION PROJECT AUTHORITY, HEALTH AND HUMAN SERVICES DATA CENTER

The Health and Human Services Data Center proposes to acknowledge the expiration of the Demonstration Project Authority; the termination of the selection component of the Demonstration Project Authority; the reallocation of current employees in the broadband classes established under the classification component to traditional civil service classes; and the abolishment of broadband classes and corresponding alternate ranges established under the Demonstration Project Authority.

B. CALIFORNIA CODE OF REGULATION (CCR) §433.1

Proposed amendment to CCR § 433.1 adding Energy Analyst classification.

May 7, 2002

19. STAFF CALENDAR ITEMS FOR BOARD INFORMATION

Staff has approved the following actions:

- A. MEDICAL TECHNICAL ASSISTANT (CORRECTIONAL FACILITY)
The Department of Corrections with the concurrence of the Departments of Youth Authority and Mental Health, propose a specification revision to the class of Medical Technical Assistant (Correctional Facility) to broaden the minimum qualifications for recruitment purposes.
- B. TRANSPORTATION ENGINEERING TECHNICIAN
The Department of Transportation proposes to revise the specification for the transportation Engineering Technician to broaden the minimum qualifications for recruitment purposes.

ACTION: Noted

20. CAREER EXECUTIVE ASSIGNMENT (CEA) CATEGORY ACTIVITY

- A. REQUESTS TO ESTABLISH NEW CEA POSITIONS CURRENTLY UNDER CONSIDERATION
 - (1) ASSISTANT EXECUTIVE OFFICER, ENFORCEMENT AND STORMWATER DIVISION
The State Water Resources Control Board proposes to allocate the above position to the CEA category for the California Regional Water Quality Control Board of Los Angeles. The Assistant Executive Officer provides day-to-day operational and policy direction for Regional Board program activities. The proposed position will function as Assistant Executive Officer, Enforcement and Stormwater Division, and will be part of the Regional Board's executive level management team. The position will have responsibility for developing and implementing policies and procedures for the Region's Enforcement, Landfills, Waste Discharge, and Stormwater programs. The department indicates that the second organizational level and will report to the Executive Officer.

ACTION: Noted

A D J O U R N M E N T

SUBMITTED

1. State Personnel Board proposes regulations to clarify and codify the process for filing, processing, hearing, and deciding complaints of Whistleblower Retaliation in State Service. (Hearing held February 7, 2002).

NO ACTION

2. State Personnel Board proposes regulations to clarify the Discovery Process that will apply to evidentiary hearings 1. concerning specified complaints or appeals, in some cases also involving alleged discrimination or retaliation. (Hearing held February 7, 2002).

NO ACTION

3. EVELYN YOUNG, CASE NO. 00-3017P. Request to File Charges Appeal. Classification: Supervising Governmental Auditor I, Department of Aging. (Presented to Board February 8, 2002).

ACTION: On May 7, 2002, adopted Board decision denying Request to File Charges.

VOTE: Alvarado, Elkins, Bos, Harrigan - Aye.

4. STATE PERSONNEL BOARD STAFF'S REPORT ON THE STATUS OF THE STATE DISCRIMINATION COMPLAINT PROCESS. (Hearing held March 5, 2002).

NO ACTION

5. MARTIN GREENHALGH, CASE NO. 01-1055. Appeal from five-percent reduction in salary for 12 months. Department of Corrections. (Hearing held March 5, 2002).

NO ACTION

6. PETE REECE, CASE NO. 00-1605. Appeal from denial of request for reasonable accommodation. Department of State Compensation Insurance Fund. (Hearing held March 5, 2002).

NO ACTION

7. EVELYN YOUNG, CASE NO. 00-3016P. Appeal from 15 working days suspension. Department of Aging. (Hearing held March 5, 2002).

ACTION: On May 7, 2002, adopted Board decision revoking 15 days suspension, awarded back pay, benefits and interest.

VOTE: Alvarado, Elkins, Bos, Harrigan - Aye.

8. SENIOR VOCATIONAL REHABILITATION COUNSELOR (SAFETY)
The Department of Mental Health proposes to establish the class of Senior Vocational Rehabilitation Counselor (Safety) to define public protection duties performed and the special physical characteristics required of incumbents; and establishment of a 12-month probationary period. (Presented March 19, 2002).

NO ACTION

9. MIKE DORRI, CASE NO. 00-2927. Appeal from rejection during probationary period. Department of Transportation. (Hearing held April 3, 2002).

ACTION: On May 7, 2002, adopted Board decision revoking the rejection on probation with all back pay.*

VOTE: Alvarado, Bos, Elkins - Aye. Harrigan did not participate.

*Adopted as Precedential Decision #02-05. [NOTE: Precedential Decisions of the State Personnel Board are published and available by subscription from Continuing Education of the Bar (CEB) in Berkeley. To subscribe, call CEB, toll free, at (800) 924-3924.]

WITHDRAWN CASES

1. ARCHER LEVY, CASE NO. 01-1314. Appeal from withhold.
Classification: Correctional Officer. Department of
Corrections. (Presented January 8, 2002).
2. JOSE ZALDY OBAR, CASE NO. 01-0302. Appeal from withhold.
Classification: Correctional Officer. Department of
Corrections. (Presented January 8, 2002).
3. FRANK ROSA, CASE NO. 01-0629. Appeal from withhold.
Classification: Youth Correctional Officer. Department of
the Youth Authority. (Presented January 23, 2002).
4. (Group Appeal)
MINDY LOVEL, CASE NO. 01-0348P;
JOSEPH MOORE, 00-3002P
Classification: Caltrans Highway Maintenance Worker
JOELLE DAVI, 01-0703P; BONNIE FASSLER,
01-0298P; FRANK GRIMES, 00-4277P; LAKEISHA JOHNSON,
01-0082P; SAMANTHA MCNEELY, 00-3854P; JEANNETTE NELSON,
01-0342P; SANDRA NESBIT, 01-0840P; TRAVIS PHILMLEE,
01-0517P; DEANTE PIGGEE, 01-0724P; STEPHANIE SMITH,
01-0847P; LOUIS WILLIAMS, 01-0349P
Classification: Motor Vehicle Field Representative
Departments of Transportation and Motor Vehicles
(Presented April 17, 2002).

NOTICE OF GOVERNMENT CODE § 18671.1 RESOLUTION

Since Government Code section 18671.1 requires that cases pending before State Personnel Board Administrative Law Judges (ALJ's) be completed within six months or no later than 90 days after submission of a case, whichever is first, absent the publication of substantial reasons for needing an additional 45 days, the Board hereby publishes its substantial reasons for the need for the 45-day extension for some of the cases now pending before it for decision.

An additional 45 days may be required in cases that require multiple days of hearings, that have been delayed by unusual circumstances, or that involve any delay generated by either party (including, but not limited to, submission of written briefs, requests for settlement conferences, continuances, discovery disputes, pre-hearing motions). In such cases, six months may be inadequate for the ALJ to hear the entire case, prepare a proposed decision containing the detailed factual and legal analysis required by law, and for the State Personnel Board to review the decision and adopt, modify or reject the proposed decision within the time limitations of the statute.

Therefore, at its next meeting, the Board will issue the attached resolution extending the time limitation by 45 days for all cases that meet the above criteria, and that have been before the Board for less than six months as of the date of the Board meeting.

GOVERNMENT CODE § 18671.1 RESOLUTION

WHEREAS, Section 18671.1 provides that, absent waiver by the appellant, the time period in which the Board must render its decision on a petition pending before it shall not exceed six months from the date the petition was filed or 90 days from the date of submission; and

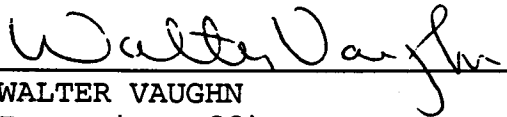
WHEREAS, Section 18671.1 also provides for an extension of the time limitations by 45 additional days if the Board publishes substantial reasons for the need for the extension in its calendar prior to the conclusion of the six-month period; and

WHEREAS, the Agenda for the instant Board meeting included an item titled "Notice of Government Code § 18671.1 Resolution" which sets forth substantial reasons for utilizing that 45-day extension to extend the time to decide particular cases pending before the Board;

WHEREAS, there are currently pending before the Board cases that have required multiple days of hearing and/or that have been delayed by unusual circumstances or by acts or omissions of the parties themselves;

NOW, THEREFORE, BE IT RESOLVED AND ORDERED that the time limitations set forth in Government Code section 18671.1 are hereby extended an additional 45 days for all cases that have required multiple days of hearing or that have been delayed by acts or omissions of the parties or by unusual circumstances and that have been pending before the Board for less than six months as of the date this resolution is adopted.

I hereby certify that the State Personnel Board made and adopted the preceding resolution at its meeting on May 7, 2002.


WALTER VAUGHN
Executive Officer
California State Personnel Board

VOTE: Alvarado, Elkins, Bos, Harrigan - Aye.

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